

Suzanne Steab < suzannesteab@utah.gov >

Bond Forms

1 message

Suzanne Steab < suzannesteab@utah.gov >
To: Kirk Nicholes <knicholes@altoncoal.com>
Cc: "Haddock, Daron" <daronhaddock@utah.gov>

Fri, Jun 7, 2013 at 2:00 PM

Hello Kirk,

Please see the attached forms to increase the bond.

If you are going to increase the bond by increasing the existing bond, a Rider to increase the surety, and Exhibit D (revises the Reclamation Contract) are required.

If you are doing a separate surety, Exhibit B would be required to establish the surety (completed by the surety company), and Exhibit D to revise the Reclamation Contract.

In either situation, Exhibit A will need to be completed to increase the disturbed acreage for Phase II of the Coal Hollow Mine.


All Exhibits will need the necessary Affidavits of Qualification.

If you have any questions, please call.

Thanks

Suzanne Steab, Engineering Technician II
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

4 attachments

 **Exhibit_A2009final.doc**
22K

 **exhibit_BSurety2009frm.doc**
37K

 **exhibit_Dfrm.doc**
38K

 **AFFIDAVI.QUA.doc**
35K

EXHIBIT “A”

Bonded Area Legal Description

(Non-Federal Coal)

Exhibit "A"
Legal Description
Non-Federal
Bond Number _____

EXHIBIT "A"

Pursuant to R645-301- 820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:

Map(s) showing the BONDED AREA within the approved PERMIT AREA :

Legal description of BONDED AREA:

The above described area shall be modified as necessary to correspond to an increase in the area disturbed as a result of an expansion of coal mining and reclamation operations. The described area may also be decreased as a result of partial reclamation.

IN WITNESS WHEREOF the **SURETY** has hereunto set its signature and seal this

_____ day of _____, 20____.

SURETY

By:

Title:

EXHIBIT “B”

Bonding Agreement Surety Forms

(Non-Federal Coal)

Bond Number: _____

EXHIBIT "B"
SURETY BOND
(NON-FEDERAL COAL)
--ooOOoo--

This **SURETY BOND** entered into by and between the undersigned **PERMITTEE/PRINCIPAL** _____, and **SURETY** _____, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas & Mining (**DIVISION**) in the penal sum of _____ (\$) (Surety Bond Amount) for the timely performance of reclamation responsibilities of the surface disturbance described in Exhibit "A" of the Reclamation Agreement.

This **SURETY BOND** will remain in effect until all of the **PERMITTEE'S/PRINCIPAL'S** reclamation obligation have been met and released by the **DIVISION** and is conditioned upon faithful performance of all of the requirements of the Act, the applicable rules and regulations, the approved permit, and the **DIVISION**.

The **SURETY** will not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the Principal during the period of liability.

The **SURETY** and their successors and assigns, agree to guarantee the obligation and to indemnify, defend, and hold harmless the **DIVISION** from all expenses which the **DIVISION** may sustain as a result of the **PERMITTEE'S/PRINCIPAL'S** failure to comply with the condition(s) of the reclamation obligation.

The **SURETY** will give prompt notice to the **PERMITTEE/PRINCIPAL** and to the **DIVISION** of any notice received or action alleging the insolvency or bankruptcy of the **SURETY**, or alleging any violations or regulatory requirement which could result in suspension or revocation of the **SURETY'S** license.

Terms for release or adjustment of the **BOND** are as written and agreed to by the **DIVISION** and the **PERMITTEE/PRINCIPAL** in the **RECLAMATION AGREEMENT** incorporated by reference herein, to which this **SURETY AGREEMENT** has been attached as Exhibit "B".

IN WITNESS WHEREOF, the **PERMITTEE/PRINCIPAL** has hereunto set it's signature and seal this _____ day of _____, 20____.

PERMITTEE/PRINCIPAL

By:

Title:

Bond Number: _____

IN WITNESS WHEREOF, the **SURETY** has hereto set it's signature and seal
this _____ day of _____, 20_____.

SURETY

By:

Title:

ACCEPTED BY THE STATE OF UTAH:

Director,
Division of Oil, Gas & Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE/PRINCIPAL** is a corporation, the Agreement shall be executed by it's duly authorized officer.

EXHIBIT "D"

Stipulation to Revise Reclamation Agreement (Non-Federal)

Permit Number: _____

Effective Date: _____

Bond Number: _____

COAL

STIPULATION TO REVISE RECLAMATION AGREEMENT

--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

- ☐ Replace the Reclamation agreement in its entirety.
- ☐ Replace Exhibit "A"- permit area.
- ☐ Replace Exhibit "B"- bonding agreement
- ☐ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ _____ to \$ _____.

The bonding type is changed from _____ to _____.

The surface disturbance is revised from _____ acres to _____ acres.

The expiration date is revised from _____ to _____.

The liability insurance carrier is changed from _____ to _____.

The amount of insurance coverage for bodily injury and property damage is changed from \$ _____ to \$ _____.

IN WITNESS WHEREOF, _____ the **PERMITTEE** has hereunto set its signature and seal this _____ day of _____, 20_____.

Exhibit "D"
Stipulation to Revise
Reclamation Agreement
Non-Federal

PERMITTEE

By: _____

Title: _____

ACCEPTED BY THE STATE OF UTAH this ____ day of _____, 20

Director, Division of Oil, Gas and Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

**AFFIDAVITS
OF
QUALIFICATION**

--000000--

John R. Baza
Director, Division of Oil, Gas and Mining

Subscribed and sworn to before me this ____ day of _____ 20__.

_____, 20____.

**AFFIDAVIT OF QUALIFICATION
PERMITTEE**

--ooOOoo--

I, _____, being first duly sworn under oath, deposes and says that he/she is
the (officer or agent) _____ of _____;
and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said
PERMITTEE is authorized to execute the same and has complied in all respects with the laws of
Utah in reference to commitments, undertakings and obligations herein.

(Signed)
Name - Position

Attest: _____
Secretary of the Corporation

STATE OF _____)

) ss:

COUNTY OF _____)

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public

My Commission Expires:

_____, 20 ____.

--000000--

(Signed)
Name - Position

_____, 20____.

--000000--

(Signed)
Surety Company Officer - Position

Notary Public

_____, 20____.

POWER OF ATTORNEY

POWER OF ATTORNEY

--ooOOoo--

The _____ (Corporation), having its principal office in _____ (Location), does hereby make, constitute and appoint _____ [Attorney(s)], as its true and lawful Attorney(s)-in-fact in their separate capacity, if more than one is named above, to make, execute, sign, seal and deliver for and on its behalf as surety and as its act and deed (without power of re-delegation) any and all bonds and undertakings and other writings obligatory in the nature thereof provided in the amount of no one bond or undertaking exceeding (\$)_____.

The execution of such bonds and undertakings shall be as binding upon said _____ (Corporation) as fully and to all intents and purposes as if the same had been duly executed and acknowledged by its regularly elected officers.

IN WITNESS THEREOF, this ____ day of _____, 20 ____.

Secretary

President

Subscribed and sworn to before me this ____ day of _____, 20 ____.

Notary Public

My Commission Expires:

_____, 20 ____.

Attest:

STATE OF _____)

COUNTY OF _____)

) ss: